

भारत सरकार, वाणिज्य एवं उद्योग मंत्रालय, वाणिज्य विभाग
विकास आयुक्त का कार्यालय
नोएडा विशेष आर्थिक क्षेत्र
नोएडा दादरी रोड, फेस-II, नोएडा.201305, जिला - गौतमबुद्ध नगर
Government of India, Min. of Commerce & Industry, Deptt. of Commerce,
Office of the Development Commissioner
NOIDA SPECIAL ECONOMIC ZONE
Noida Dadri Road, Phase-II, NOIDA-201305, Distt. Gautam Budh Nagar (UP)

फा. सं. 12/01/2017 -प्रोज/

दिनांक: 12/04/2018

सेवा में,

1. मुख्य कार्यपालक अधिकारी, न्यू ओखला औद्योगिक विकास प्राधिकरण, मुख्य प्रशासनिक भवन, सेक्टर - 6, नोएडा।
2. अतिरिक्त महानिदेशक विदेश व्यापार, वाणिज्य एवं उद्योग मंत्रालय, 'ए' विंग, इंद्रप्रस्थ भवन, आई पी एस्टेट, नई दिल्ली।
3. आयुक्त, आयकर, ए 2 डी, आयकर भवन, सेक्टर 24, नोएडा।
4. आयुक्त, सीमा शुल्क, नोएडा सीमा शुल्क आयुक्तालय, इनलैंड कंटेनर डिपो, तिलपता, दादरी, गौतम बुद्ध नगर, उत्तर प्रदेश - २०१३०६.
5. निदेशक, वाणिज्य विभाग, वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार, उद्योग भवन, नई दिल्ली -110001।
6. उप सचिव (आई एफ-1), बैंकिंग प्रभाग, आर्थिक मामलों का विभाग, वित्त मंत्रालय, भारत सरकार, तृतीय तल, जीवन दीप बिल्डिंग संसद मार्ग, नई दिल्ली।
7. महाप्रबंधक, जिला उद्योग केंद्र, कलेक्ट्रेट के पास, सूरजपुर, ग्रेटर, नोएडा।

विषय: दिनांक 05/04/2018 को पूर्वाह्न 11:30 बजे आयोजित नोएडा विशेष आर्थिक क्षेत्र की यूनिट अनुमोदन समिति की बैठक का कार्यवृत्त - एतद संबंधी।

महोदय,

मुझे उपरोक्त विषय का सन्दर्भ लेने और डॉ. एल बी सिंघल, विकास आयुक्त, नोएडा विशेष आर्थिक क्षेत्र की अध्यक्षता में दिनांक 05/04/2018 को पूर्वाह्न 11:30 बजे सम्मेलन हॉल, प्रशासनिक भवन, नोएडा विशेष आर्थिक क्षेत्र, नोएडा में आयोजित नोएडा विशेष आर्थिक क्षेत्र की यूनिट अनुमोदन समिति की बैठक का कार्यवृत्त अद्योषित करने का निर्देश हुआ है।

संलग्नक : उपरोक्त

भवदीय,
11/5/18
12/4/18
(राजेश कुमार)
उप विकास आयुक्त

प्रतिलिपि:

1. विशेष कार्याधिकारी - विकास आयुक्त के सूचनार्थ।
2. वैयक्तिक सहायक - संयुक्त विकास आयुक्त के सूचनार्थ।
3. निर्दिष्ट अधिकारी, नोएडा विशेष आर्थिक क्षेत्र - सूचनार्थ एवं आवश्यक कार्यवाही के लिए.
4. उप विकास आयुक्त, सम्पदा अनुभाग, नोएडा विशेष आर्थिक क्षेत्र, सूचनार्थ एवं आवश्यक कार्यवाही के लिए.

उप विकास आयुक्त

Noida Special Economic Zone

(Minutes of Meeting of Approval Committee of Noida SEZ held on 05/04/2018)

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Minutes of meeting of the Approval Committee of Noida SEZ held under the Chairmanship of Dr. L.B. Singhal, Development Commissioner (DC), Noida SEZ at 11:30 AM on 05/04/2018 in the Conference Hall of NSEZ.

The following members of the Approval Committee were present during the meeting:-

- 1) Shri S.S. Shukla, Jt. Development Commissioner, NSEZ.
- 2) Shri Rajesh Sharma, Asstt. Commissioner, Customs, Noida Commissionerate.
- 3) Shri R.L. Meena, Asstt. DGFT, O/o Addl. DGFT, CLA, New Delhi.
- 4) Ms. Sandhya Maurya, Income Tax Officer, Income Tax Deptt., Noida.
- 5) Shri Mukesh Goyal, Associate Architect, (Rep. of Noida Authority).
- 6) Shri Jagbir Singh, DIC, Noida (Rep. of Principal Secretary, Industry, Govt. of UP.).

2. Besides, during the meeting S/Shri (i) Rajesh Kumar, Dy. Development Commissioner, NSEZ (ii) Md. Salik Parwaiz, Specified Officer, NSEZ, (iii) Prakash Chand Upadhyay, Asstt. Development Commissioner, NSEZ, (iv) Rajendra Mohan Kashyap, PA to JDC, NSEZ, (v) Rahul Pandey, SDO, UPPCL, Noida, (vi) S.S. Singh, UPPCB, Noida were also present to assist the Approval Committee.

3. At the outset, DC, NSEZ welcomed the participants. After brief introduction, each items included in the agenda were taken up for deliberation one by one. After detailed deliberations as well as interaction with the applicants / representatives of the units, the following decisions were taken:-

(i) Ratification of Minutes of last meeting of the Approval Committee held on 07/03/2018.

It was informed that no reference against the decisions of the Approval Committee held on 07/03/2018 was received and therefore, Minutes of the meeting held on 07/03/2018 were ratified.



Item wise decisions on proposals included in agenda:

1. Proposal in respect of M/s. Aksasia Creations Pvt. Ltd. for change in shareholding pattern of the company.

It was informed to the Approval Committee that M/s. Aksasia Creations Pvt. Ltd. has been granted an LOA No.08/01/2005-Proj/1421 dated 21/02/2005 for setting up a unit in Noida SEZ for manufacturing of "(i) Garments including garments of leather; (ii) Leather & Leatherite-PU Goods such as Back Packs, Mobile Covers, Laptop & iPad Cases, Purses, Office bags, Photo Frame, Various Box Covers, Wallet, Belt & Other Decorative Items made with Leather/Fake-Leather and Other Accessories and creating design for goods etc.; (iii) Gift Items with leather finish, Trims, Covering and leather with metal combo such as brass, stainless steel, copper & other metals used as combination with leather & Fake Leather (PU)". The unit has commenced its export production w.e.f. 31/07/2005 and LOA of the unit is valid up to 30/07/2018.

It was further informed that unit has recently informed about change in shareholding pattern of the company as under:

Name	Shareholding before change (as approved by BOA)	Shareholding after change (w.e.f. 25/01/2018)
1. Shri Arvind Singh	20%	--
2. Smt. Chhaya Devi	60%	80%
3. Smt. Vatika Arya	20%	20%

The Approval Committee observed that despite providing many opportunities by this office and promises made by the promoters to increase their export turnover, there have been exports from the unit worth Rs. 2.69 Lakhs and Rs. 1.01 Lakhs during 2015-16 & 2016-17 respectively, which is almost negligible.

Shri Arvind Singh and Smt. Chhaya Devi, directors appeared before the Approval Committee. Shri Singh informed that the company has gone through some changes and doing planning in order to expand the business. Also the company has been engaged in developing and increasing the infrastructure. Construction work is in full swing and once it is completed, their business expansion will go on as they have planned.

Shri Singh further informed that they have made exports worth Rs. 5Lakhs during 2017-



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18 and are hoping to increase the export to Rs. 78 Lakhs this year.

The Approval Committee observed that recently the BOA in its meeting held on 03/07/2017 had approved change in shareholding of the company for more than 50%. Now, the original promoter has transferred its remaining share to the newly inducted promoters.

Shri Arvind Singh informed that he is a United States Green Card holder. Recently he got a notice from US Immigration Department as he has not been staying in the US for much longer time. He stated that due to the said notice he has to go to USA in May 2017. He further stated that they have opened a branch office in USA with a hope to increase their business and he will look after the marketing of the company.

The Approval Committee observed that the LOA of the unit is valid upto 30/07/2018. However, unit has failed to maintain its assurances for improvements in performance. Hence, the Approval Committee deferred the matter till 30/07/2018 with the direction to the unit to carry out substantial export activities as per its commitment during the remaining validity period of LOA. The Approval Committee also decided that further renewal of LOA will depend upon the improvement of performance of the unit. Shri Arvind Singh gave his consent and ensured to increase the performance of the unit during balance period of validity of LOA. Approval Committee also directed that in the meantime physical inspection of the unit may be carried out to see ground realities pertaining to investment as well as production activities of the unit.

2. **Proposal of M/s. Goldwyn Ltd. for Exit and transfer of assets & liabilities including building at Plot No.15&16, NSEZ to M/s. Victora Auto Pvt. Ltd. under Rule 74A of SEZ Rules, 2006.**

It was informed to the Approval Committee that M/s. Goldwyn Ltd. has been granted an LOA dated 19/12/1988 for manufacturing activities. The unit has commenced its export production w.e.f. 15/07/1989 and LOA of the unit is valid up to 31/03/2020.

It was further informed that M/s. Goldwyn Ltd. has submitted a proposal for exit from SEZ scheme and transfer of its assets & Building at Plot No. 15 & 16, NSEZ to M/s. Victora Auto



Pvt. Ltd. under provisions of Rule 74A of SEZ Rules, 2006 as per following details:

It was also informed to the Approval Committee that the above proposal of M/s. Goldwyn Ltd. was placed before the Committee constituted under the chairmanship of JDC, NSEZ to examine the case under Rule 74A and 3rd proviso to Rule 19(2) held at NSEZ on 26/02/2018. The Committee noted that Rule 74A of the SEZ Rules, 2006 inter alia provides as under:-

'The unit may opt out of Special Economic Zone by transferring its assets and liabilities to another person by way of transfer of ownership including sale of Special Economic Zone units inter alia subject to the following conditions:-

- (i). The unit has held a valid Letter of Approval as well as lease of land for not less than a period of five years on the date of transfer.*
- (ii). The unit has been operational for a minimum period of two years after the commencement of production as on the date of transfer.*
- (iii). Such sale or transfer transactions shall be subject to the approval of the Approval Committee;*
- (iv). The transferee fulfils all eligibility criteria applicable to a unit; and*
- (v). The applicable duties and liabilities, if any, as calculated under rule 74, as well as export obligations of the transferor Unit, if any, shall stand transferred to the transferee Unit which shall be under obligation to discharge the same on the same terms and conditions as the transferor Unit."*

It was further informed that the said Committee observed that the transferor unit has held a valid LOA and lease deed for more than 5 years and has been in operation for more than two years. The Committee further observed that transferee unit has also valid LOA and has given an undertaking on Rs.100/- non-judicial stamp paper bearing No. EAT2018C7 dated 20/03/2018 to take over all the assets & liabilities of transferor unit. Thus, the Committee observed that the proposal meets all the conditions of Rule 74A.

Accordingly, the Committee recommended the proposal of M/s. Goldwyn Limited for transfer of assets & Building/Plot at Plot No. 15 & 16, NSEZ to M/s. Victora Auto Pvt. Ltd. in terms of Rule 74A of SEZ Rules, 2006.



Shri Jagpal Sharma and Shri D.K. Jangid, authorized representatives of M/s. Goldwyn Ltd. appeared before the Approval Committee. Shri Sharma informed that in the past their export sales mainly came from two of their customers namely RZB Rudolf Zimmerman Bamberg GMBH, Germany(75%) and Constellation Lighting Limited, UK(15%). RZB Rudolf Zimmermann, Germany has installed their own factory in Malaysia in 2016 and gradually stopped procuring LED Light from them. Similarly, Constellation Lighting has diverted purchase from them to China slowly due to price competition. He stated that due to above facts, their export turnover has considerably declined from Rs.18.36 Crores in 2015-16 to Rs. 5.53 Crores in 2016-17. He further stated that during the FY 2017-18, the company could make export less than Rs. 1 Crore only and despite their efforts to fetch business from overseas, their export has been tremendously decreased.

Shri Sharma further informed that meanwhile their DTA business is doing well and they have done business of Rs.30 Crores from their DTA unit during the year 2017-18. He further informed that due to government various policies, business of LED Lights in domestic sector has increased exponentially. But due to levy of Custom duty on sale from SEZ to DTA, their products become costlier and hence it was very difficult for them to get orders from DTA. Accordingly they decided to shift their manufacturing business in DTA to cater the needs of domestic markets.

The Approval Committee, after due deliberations, accepted the recommendations of the Committee examining the case under Rule 74A and approved the proposal of M/s. Goldwyn Ltd. for exit from SEZ scheme under Rule 74A of SEZ Rules, 2006 and transfer of its assets & building at Plot No. 15 & 16, NSEZ to M/s. Victora Auto Pvt. Ltd. subject to fulfillment of exit formalities by transferor and payment of applicable transfer charges.

3. **Following cases for monitoring of performance/APRs under Rule 54 of SEZ Rules, 2006 were also placed before the Approval Committee. The unit wise decision of the Approval Committee are indicated below:-**

- (i) **M/s. Radico** - The Approval Committee monitored the performance of the unit on the basis of APRs up to 2016-17 and noted achievement of positive NFE by the unit.



(ii) **M/s. Navarun Components Pvt. Ltd.** - The Approval Committee monitored the performance of the unit on the basis of APRs up to 2016-17 and noted achievement of positive NFE by the unit.

(iii) **M/s. C & S Electric Ltd.** - The Approval Committee monitored the performance of the unit on the basis of APRs up to 2016-17 and noted achievement of positive NFE by the unit.

4. Proposal in respect of M/s. Stable Packaging Pvt. Ltd. (Unit-II) for revision in authorized operations.

It was informed to the Approval Committee that M/s. Stable Packaging Pvt. Ltd. (Unit-II) has been issued an LOA dated 09/12/2013 for Manufacturing & Export of Polyester and Polyethylene Bags (Printed & Plain), Courier Bags, Printed Plain Zipper Bags, Ultra clear LD Shrink bags/Rolls, Anti Fog bags for vegetables and Fruits, Moisture Sealing films to be used in the roofs, walls, roads, Pouches for pens/Tooth brushes/Paint brushes, Mulch Film, Garbage Bags. The unit commenced its export production w.e.f. 31/03/2017 and LOA is valid till 30/03/2022.

It was informed to the Approval Committee that the unit has submitted a proposal for revision in its authorized operations to include additional manufacturing and trading activities.

Shri Sushil Kant Gupta and Shri Jai Gupta, directors appeared before the Approval Committee. Shri Sushil Gupta informed that with the aim to achieve complete packaging solution providers, they need to keep on adding new products so that they can cater to their clients. Further, as currently they have limited manufacturing capacity, they have requested for inclusion of trading activities.

Shri Gupta further informed that they had another unit in NSEZ and their total turnover from the zone during 2017-18 was approx. Rs. 41Crores. He further informed that currently they are mainly supplying to other SEZ units and 100% EOUs. However, they have now got few orders for physical export also.

The Approval Committee, after due deliberations, agreed to the request of unit for



revision as well as addition of the authorized operations. Revised authorized operations of the unit would be as under:

(1) Manufacturing of: Polyester Bags/Sheets/Labels(Printed and Plain), Polythene/Polypropylene Bags/Rolls/Sheets/ Labels (Printed and Plain), BOPP Bags/Rolls/Sheets/ Labels (Printed and Plain), Shrink Film Rolls/Bags, Stretch Film Rolls, Box Strapping, Self-Adhesive Tapes and Labels, Stickers, Belts and Zips, Tags made of Papers and Polythene, All kinds of Packaging Material.

(2) Trading of: Polyester Bags/Sheets/Labels(Printed and Plain), Polythene/Polypropylene Bags/Rolls/Sheets/ Labels (Printed and Plain), BOPP Bags/Rolls/Sheets/ Labels (Printed and Plain), Shrink Film Rolls/Bags, Stretch Film Rolls, Box Strapping, Self-Adhesive Tapes and Labels, Stickers, Belts and Zips, Tags made of Papers and Polythene, All kinds of Packaging Material.


The Approval Committee further decided that Trading will be allowed subject to the following conditions:

- (i) Trading will be allowed only for physical export to any other country, for supply to other units and Developers in the same or other SEZ or EOUs, against foreign exchange and no DTA sale of trading items shall be allowed.
- (ii) Unit will maintain separate area earmarked each for manufacturing and trading activities and will also maintain separate records/accounts of NFE for manufacturing and trading activities.
- (iii) NFE status for manufacturing activity and trading activity will be seen separately.

Meeting ended with a vote of thanks to the Chair.


(S. S. Shukla)

Jt. Development Commissioner



(Dr. L. B. Singhal)
Development Commissioner